

### REMARKS

By this amendment, no claims have been added or cancelled. Claims 1 and 8 have been amended to more clearly recite the subject matter to which Applicants desire patent protection and not for the purposes of overcoming cited art. Hence, Claims 1, 3-8, and 10-14 are pending in the application.

#### I. SUMMARY OF THE REJECTIONS

Claims 1, 3, 4, 8, 10, and 11 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Publication No. 2002/0007303 to Brookler et al. ("*Brookler*"), in view of U.S. Patent Publication No. 2002/0002482 to Thomas ("*Thomas*"). This rejection is respectfully traversed.

Claims 5 and 12 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Brookler* in view of *Thomas*, and further in view of U.S. Patent Publication No. 2002/0052774 to Parker et al. ("*Parker*"). This rejection is respectfully traversed.

Claims 6 and 13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Brookler* in view of *Thomas*, and further in view of U.S. Patent No. 6,826,540 to Plantec et al. ("*Plantec*"). This rejection is respectfully traversed.

Claims 7 and 14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Brookler* in view of *Thomas*, and further in view of U.S. Patent No. 6,826,540 to Nardone et al. ("*Nardone*"). This rejection is respectfully traversed.

## II. CLAIMS 1 AND 8

Present Claims 1 and 8 each feature:

“establishing a first connection between a mobile device and a gateway using a first protocol;  
wherein said mobile device supports said first protocol but not a second protocol;  
wherein said online community is associated with a server that supports said second protocol but not said first protocol;  
receiving user input that indicates said opinion through user interface controls on said mobile device, wherein said user input is provided relative to a survey defined by a particular party;  
transmitting, from said mobile device to said gateway, opinion data indicating said opinion, in a message that is not addressed to any specific member of the community, using said first protocol;  
transmitting said opinion data, using said second protocol, from said gateway to said server;  
storing, at said server, for said survey, said opinion data as part of survey results, wherein said survey results reflect opinion data from a plurality of members of the online community; and  
transmitting said survey results, using said second protocol, from said server to members of said online community in response to requests received by said server in said second protocol;  
**wherein the step of transmitting said survey results includes transmitting said survey results from said server to a plurality of members of the online community that are not associated with said particular party that defined said survey;**  
receiving, through user interface controls on a second mobile device, user input that requests said survey results, **wherein the user input does not initiate the creation of said survey;**  
wherein the second mobile device is a mobile device of a member of the community and **not the particular party that defined the survey;**  
**wherein said member provides user input, that indicates a second opinion, relative to a different survey, results of which other members of said online community may request and receive;**  
transmitting a request for said survey results, using said first protocol, from said second mobile device to said gateway;  
transmitting a request for said survey results, using said second protocol, from said gateway to said server;  
in response to said request received at said server using said second protocol, transmitting said survey results, using said second protocol, to said gateway;  
and  
sending said survey results, using said first protocol, from said gateway to said second mobile device.” (emphasis added)

One of the benefits realized by users of the invention recited in Claims 1 and 8 is that

members of an online community may share opinions with other members of the community and receive survey results from other members of the community. The members of the online community do not need to initiate or define the survey in order to see the results of the survey. In contrast to Claims 1 and 8, *Brookler* and *Thomas* both teach that survey results from survey participants are only shared with those that initiate and/or define the survey.

1. *Thomas fails to teach or suggest that the “user input that requests said survey results...does not initiate the creation of said survey”*

The survey results of Claims 1 and 8 are requested **after** the survey results are generated and stored. The survey results of *Thomas* are requested **before** the survey is even generated. Indeed, paragraph 30 of *Thomas* specifically states:

**When a survey requester places a request for a survey, the survey is generated.** Then, based on participant categories identified for the survey, participants are selected for the survey. The survey is then electronically transmitted to the selected survey participants. The selected survey participants then complete the survey and have their responses electronically returned. Survey results are then determined from the responses of the participants. From the survey results, a survey report may be created and transmitted to the survey requester. (emphasis added)

Therefore, according to *Thomas*, the survey requestor **initiates the creation of the survey**. In contrast to this approach, Claims 1 and 8 recite: “the user input [that requests the survey results] **does not initiate the creation of said survey**”.

2. *Thomas discloses that the survey requestor is the party that defines the survey*

The Office Action admits that *Brookler* fails to disclose that the member of the online community that requests the survey results is not the party that defined the survey. The Office Action then relies on *Thomas* for disclosing that the member that requests survey results is not the party that defined the survey. This is incorrect.

*Thomas* specifically teaches in paragraphs 55-60 that the survey requestor **is the**

**party that defined the survey.** These paragraphs directly contradict the element of Claims 1 and 8 that states that the member that requests the survey results is “**not** the particular party that defined the survey.”

3. *Brookler and Thomas fail to teach that the survey results are transmitted to members of the online community that are not associated with the party that defined the survey*

Claims 1 and 8 have been amended to clarify that the step of transmitting the survey results includes transmitting the survey results to members of the online community that are **not associated with** the particular party that defined the survey. In both *Brookler* and *Thomas*, **the only parties that request and view the survey results are the parties that defined the survey.** *Brookler* and *Thomas* fail to teach or suggest that the survey results of one online community member are also transmitted to other members of the online community that are not associated with the party that defined the survey.

4. *Brookler and Thomas fail to teach that the survey requestors also provide opinions to a different survey that is shared with members of the claimed online community*

Lastly, Claims 1 and 8 recite that the member that requested the survey results also provides an opinion to “a different survey, results of which other members of said online community may request and receive.” *Brookler* and *Thomas* both fail to teach or suggest that the parties that define the survey and/or initiate the survey also provide opinions themselves to a different survey that other members of the online community may request and receive.

Therefore, even if *Brookler* and *Thomas* can be combined, such a combination fails

to teach or suggest at least all the features of Claims 1 and 8 discussed above. Therefore, removal of the 35 U.S.C. § 103(a) rejection with respect to Claims 1 and 8, and reconsideration of Claims 1 and 8 is respectfully requested.

### III. CLAIMS 3-7 AND 10-14

Claims 3-7 and 10-14 are dependent claims, each of which depends (directly or indirectly) on one of the claims discussed above. Each of Claims 3-7 and 10-14 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of Claims 3-7 and 10-14 introduces one or more additional limitations that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of those limitations is not included at this time, although the Applicants reserve the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

#### IV. CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any fee shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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Dated: November 21, 2006

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#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on November 21, 2006 By

  
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